



March 25, 2015

House Regulatory Reform Committee
Lansing, Michigan

Re: HB 4246 – Ceding of state's rights to federal government

Dear Representatives:

The Michigan Environmental Council is a council of more than sixty-five conservation, environmental, and faith-based groups located across the state of Michigan. Those groups are proud of Michigan's amazing natural resources and take seriously their stewardship role in protecting those resources, especially the Great Lakes. Those groups adamantly oppose ceding authority over protecting those resources to the federal government.

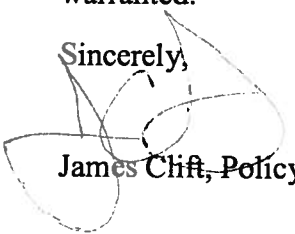
Most federal environmental laws establish a minimum standard of protection for natural resources and public health. Pursuant to the Constitution of the United States, unless specifically prohibited, states are allowed to exceed those standards if they believe that their citizens deserve or demand greater protection. HB 4246 would amend the Administrative Procedures Act (APA) to prohibit a state agency from adopting a rule more stringent than the applicable federal standard unless specifically authorized by statute.

In the 1970s, Lake Erie was dying due in large part to phosphorus in detergents. The legislature refused to act. When cities tried to act independently, the legislature preempted their authority to restrict phosphorus. So in 1976, Governor Milliken acted independently and promulgated a rule restricting phosphorus in detergent. The lake rebounded and the algae beds subsided. The legislature adopted that same restriction in detergents 32 years later in 2008.

Federal standards to protect water quality are designed to be the floor below which states are not allowed to drop. They are not written by people that feel a stewardship responsibility over one of the world's most important freshwater resource. That stewardship is a joint responsibility of whoever occupies the Office of Governor, the Legislature, and the people of Michigan. If we are promoting "Pure Michigan," why would we want to be bound by weak federal rules regarding water quality.

This law would strip the Governor of Michigan of the power to independently protect the Great Lakes. This is bad policy for Michigan and makes us vulnerable to special interests promoting gridlock at the legislature. Importantly, the legislature will always retain the ability to overrule a Governor and nullify any action they do not believe is warranted.

Sincerely,



James Clift, Policy Director